FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 3467/2007
(M/s Bhai Mahadeo Chunnilal Indian Oil Dealer, thro. Partner VERSUS The Executive Director (Retail Sale) Indian Oil Corporation Ltd. & others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. Bhandarkar, counsel for the petitioner.
Mr. Sambre, counsel for R-1 & 2.

CORAM : D.D.SINHA AND
SMT. VASANTI A. NAIK, JJ.
DATE : NOVEMBER 27, 2007.

Heard Mr. Bhandarkar, the learned counsel for the petitioner and Mr. Sambre, the learned counsel for the respondent nos.1 and 2.

In the instant petition, the following facts are not disputed.

a) That, the dealership of Indian Oil Corporation was terminated by the Indian Oil Corporation vide order dated 22.11.2006 since the petitioner had indulged in malpractices resulting in breach of dealership agreement dated 01.10.2005.

b) The petitioner challenged the order

dated 22.11.2006 by filing Writ Petition No.6110/2006. This Court, after hearing both the sides, dismissed the said writ petition vide order dated 06.12.2006.

c) The petitioner thereafter filed a Review Petition i.e. Miscellaneous Civil Application No. 1343/2006 which was also dismissed by this Court on 10.01.2007.

d) In the meantime on 29.12.2006, the petitioner also filed an appeal before respondent against the initial order dated 22.11.2006 which was impugned in Writ Petition No.6110/2006 as well as Miscellaneous Civil Application No. 1343/2006.

Since the writ petition as well as the miscellaneous civil application were dismissed by this Court, the lower appellate authority, by impugned order, dismissed the appeal of the petitioner as not maintainable.

In the backdrop of the above referred facts, it is evident that the appeal filed by the petitioner against the order dated 22.11.2006 was obviously not maintainable after dismissal of the writ petition as well

as miscellaneous civil application filed by the petitioner. Consequently, the petition suffers from lack of merits and the same is dismissed.

JUDGE JUDGE

APTE